

ESTTA Tracking number: **ESTTA749049**

Filing date: **05/30/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92062012
Party	Defendant Evory Technologies, Inc.
Correspondence Address	CHI LIU EVORY TECHNOLOGIES INC 1270 N MARINE CORP DR, STE 101-397 TAMUNING, GU 96913-4331 UNITED STATES chi_liu@evorytech.com, liuchi23@hotmail.com
Submission	Motion to Compel Discovery
Filer's Name	Chi Liu
Filer's e-mail	chi_liu@evorytech.com
Signature	/LIU, CHI/
Date	05/30/2016
Attachments	Registrantsmotiontocompel.pdf(4936594 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

JFP GULF GENERAL TRADING LLC,
Petitioner,

vs.

EVORY TECHNOLOGIES, INC.,
Registrant.

Mark: ALISHAN
Cancellation No.:92062012

REGISTRANT’S MOTION TO COMPEL AND SUSPEND

Pursuant to Trademark Rule 2.120(e), Registrant Evory Technologies, INC. hereby requests that the Trademark Trial and Appeal Board compel Petitioner JFP GULF GENERAL TRADING LLC to respond deposition notices serviced on May 4 and May 15, 2016.

Registrant has made numerous good faith attempts to work with Petitioner to produce discovery and schedule depositions, but to date Petitioner continues to avoid its obligations to cooperate to schedule the deposition of its officer Ankur Aggarwal, one major shareholder, and the Chief Financial Officer of Petitioner in connection with the deposition notice serviced on May 4, 2016 or to identify a representative of its company in response to Registrant’s deposition notice under Fed. R. Civ. P. 30(b)(6). Petitioner continued failure to provide full and complete responses to cooperate in arranging depositions is prejudicing Registrant in its ability to defend the cancellation.

Registrant respectfully requests that Trademark Trial and Appeal Board issue an order compelling Petitioner to (i) cooperate to schedule the deposition of its officer Ankur

Aggarwal, one major shareholder, and the Chief Financial Officer of Petitioner; and (ii) identify witnesses and work to schedule a deposition date in connection with the 30(b)(6) deposition notice serviced by Registrant.

Registrant further requests, as provided by Rule 2.120(e)(2), that proceedings in this matter be suspended while this motion is pending.

I. Chronology

In 2015, Registrant sent Petitioner Registrant's ALISHAN goods and notified Petitioner Registrant's website www.superteastore.com. Petitioner received Registrant's ALISHAN goods signed by M RODE (Exhibit A) on October 2, 2015. However, Petitioner refused to concede Petitioner's receipt of Registrant's ALISHAN goods (Exhibit B), until Registrant presented an electronic copy of United State Postal Service verification.

Petitioner received Registrant's ALISHAN goods, including Registrant's ALSHAN Chocolate, Herbal tea, Tea, Rice, Oatmeal, Noodle, Coffee, Spice, Flour, Gum, Sugar, Salt, Cappuccino and Petitioner was notified of Registrant's website (Exhibit C). The evidence including Registrant's ALSHAN goods and Registrant's website demonstrated that ***Registrant, its parent companies, owners, and business partners have used, promoted and advertised ALISHAN goods continuously in the United States of America.***

Petitioner applied for another USPTO application No. 86818606, which showed that Petitioner's company is located in Dubai, United Arab Emir (Exhibit D). However, in Petitioner's email dated May 9, 2016, Petitioner is located in India (Exhibit E). United Arab Emir and India are two different countries. So far, Petitioner has not provided any reasonable explanation of the varied address. Therefore, Petitioner must confirm whether Petitioner is a legal entity and where Petitioner's company was registered.

Petitioner initiated the Cancellation processing on August 12, 2015. According to the

International Financial Reporting Standards (IFRS) and Generally Accepted Accounting Principles in the United States of America (GAAP), Petitioner should disclose this pending *legal* proceedings in Petitioner's 2015 financial reports. So Petitioner must confirm whether Petitioner's Cancellation processing was disclosed in Petitioner's 2015 financial reports, whether Petitioner's attorney was authorized by Petitioner's company, whether this Cancellation processing was authorized by Petitioner's company or proposed by any individual or employee of Petitioner's company.

On May 4, 2016, Registrant served Petitioner with a Notice to Take Three Depositions. Registrant requested the deposition of Mr. Ankur Aggarwal on June 6, 2016 at a location close to Petitioner's address in San Francisco, California. (Copies of the May 4, 2016 Notice of Deposition and correspondence related thereto are attached in Exhibit F). Registrant requested the deposition of one major shareholder of Petitioner on June 7, 2016 at a location close to Petitioner's address in San Francisco, California. (Copies of the May 4, 2016 Notice of Deposition and correspondence related thereto are attached in Exhibit F). Registrant requested the deposition of the Chief Financial Officer of Petitioner on June 8, 2016 at a location close to Petitioner's address in San Francisco, California. (Copies of the May 4, 2016 Notice of Deposition and correspondence related thereto are attached in Exhibit F).

On May 9, 2016, Petitioner failed to cooperate with Registrant and sent Registrant an email to requested withdrawal of the deposition without firm reasons and good faith (Exhibit E). Instead, Petitioner requested to have a phone conference. Registrant provided personal cell phone number and allowed Petitioner to contact Registrant by personal cell phone, email, or letter. Unfortunately, Registrant has not received any call from Petitioner.

On May 15, 2016, Registrant requested Petitioner to provide multiple available dates and locations between May 20 and July 1 (Exhibit G). The email stated "You should give us a list of several different dates and location on which you and your Petitioner are available, and we will try to schedule the deposition on a date and location that is convenient for Petitioner and us". Petitioner failed to provide any such dates and location.

Registrant made good faith attempts to call Petitioner three times from 5:30 to 6:30p.m. Pacific Time on May 18, 2016. Petitioner "received voicemail from other people" but did not answer the call.

Registrant made good faith attempts to call Petitioner three times from 5:30 to 6:30p.m. Pacific Time, on May 19, 2016. Petitioner did not answer the phone.

Registrant made good faith attempts to call Petitioner at 4:00p.m. Pacific Time on May 20, 2016. Petitioner answered the phone. The phone conference lasted two minutes. Petitioner said "Hello" first. Once Registrant introduced itself, Petitioner stayed quiet.

In Registrant's letter dated May 22, 2016, Registrant made another good faith attempt to request Petitioner to provide possible dates and locations between May 25 and July 1 (Exhibit H). The letter again explained that Petitioner is willing to work with Registrant's schedule to arrange for a convenient deposition date. So far, Petitioner has not provided a list of attendants or responded with any available date since the notice was served.

In sum, Petitioner has failed to provide any available dates and locations for the depositions noticed by Registrant.

II. The Motion to Compel should be Granted because of Petitioner's Failure to Cooperate to Schedule Depositions

As detailed above, Registrant has made numerous good faith attempts to resolve the discovery matters with Petitioner. Registrant has diligently sought to work with Petitioner, but in spite of its many good faith efforts, Petitioner persists in refusing to comply with its discovery obligations.

Registrant sent Petitioner Registrant's ALISHAN goods and notified Petitioner Registrant's website www.superteastore.com in 2015 to exhibit that Registrant, its parent companies, owners, and business partners have used, promoted and advertised ALISHAN goods continuously in the United States of America. However, **Petitioner refused to concede its receipt of Registrant's ALISHAN goods (Exhibit B), until Registrant presented an electronic copy of United State Postal Service verification.**

Petitioner claimed that Petitioner's company is located in India, according to its email dated May 9, 2016 (Exhibit E). However, Petitioner is located in Dubai, United Arab Emir, based on Petitioner's USPTO application (Exhibit D). Therefore, **Petitioner must confirm that Petitioner is a legal entity and where Petitioner's company was registered.**

Since Petitioner's Cancellation processing starts on August 12, 2015, Petitioner should disclose this pending *legal* proceeding in Petitioner's 2015 financial reports according to the International Financial Reporting Standards (IFRS) and Generally Accepted Accounting Principles in the United States of America (GAAP). Petitioner must confirm that Petitioner's Cancellation processing was disclosed in Petitioner's 2015 financial reports, that Petitioner's attorney was authorized by Petitioner's company, that this Cancellation processing was authorized by Petitioner's company, not proposed by any individual or unauthorized employee of Petitioner's company.

Registrant served Three Notices of Deposition and Petitioner failed to cooperate. Briefly, Registrant requested Deposition of Petitioner's officer, Mr. Ankur Aggarwal, one major

shareholder of Petitioner, and the Chief Financial Officer of Petitioner and requested Petitioner to confirm in writing whether the proposed date and time were convenient for Petitioner. Below is the list of Registrant's proposals of Deposition:

May 4, 2016, See Exhibit F

May 15, 2016, See Exhibit G

May 22, 2016, See Exhibit H

Upon Petitioner's request to make phone conference, Registrant provided personal cell phone number so that Petitioner can contact Registrant by phone, email, or letter. Unfortunately, so far Registrant has not received any call from Petitioner. Registrant made numerous attempts to reach Petitioner but did not get positive response from Petitioner except for a "Hello". Here is a list of dates that Registrants called Petitioner:

Three times on May 18, 2016

Three times on May 19, 2016

Once on May 20, 2016

In sum, Registrant took actions to resolve the discovery matters with Petitioner. Registrant sent Petitioner Registrant's ALISHAN goods and notified Petitioner Registrant's website www.superteastore.com. Registrant made good faith attempts to serve Three Notices of Deposition. In addition, Registrant provided personal cell phone number for Petitioner to call and proactively called Petitioner multiple times. On the contrary, Petitioner refused to concede its receipt of Registrant's ALISHAN goods (Exhibit B) until Registrant presented an electronic copy of United State Postal Service verification. Petitioner refused to propose any date and locations for a Deposition to resolve the discovery matters. Even worse, Petitioner never called Registrant and did not make any concrete discussions with Registrant. Petitioner's continuous failures to


cooperate with Registrant's attempts are an inappropriate lack of cooperation with discovery.

III. Conclusion

Registrant requests that Trademark Trial and Appeal Board grant this Motion to Compel and to specifically issue an order compelling Petitioner to provide available dates and locations for the depositions, indicate the appropriate witness(es) for the 30(b)(6) deposition, and generally cooperate in the scheduling of depositions before the end of the discovery period.

Registrant notes that discovery is set to close on July 1, 2016 and thus it also requests that the proceedings be suspended until this Motion is decided. Registrant has tried in good faith to work with Petitioner to complete all discovery obligations. Petitioner's avoidance and failure to comply is the sole reason this Motion is being filed.

Dated: May 30, 2016

By: 

CHI LIU
1270 N MARINE CORP DR, STE 101-397
TAMUNING, GU 96913-4331
General Manager
Evry Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing was served by Post Office Mail, postage prepaid on May 30, 2016 and E-mail on the same day, addressed as follows:

JFP GULF GENERAL TRADING LLC
548 MARKET STREET BOX NO 55819
SAN FRANCISCO, CA 94104
mike@rodenbaugh.com



CHI LIU

Exhibit A

Petitioner received Registrant's ALISHAN goods signed by M RODE on October 2, 2015.

Tracking Number: EE732109414TW



On Time

Expected Delivery Day: Friday, October 2, 2015

Signed for By: M RODE // SAN FRANCISCO, CA 94104 // 10:12 am

Product & Tracking Information

Postal Product:
Priority Mail Express International™

Features:
PO to Addressee

DATE & TIME	STATUS OF ITEM	LOCATION
October 2, 2015 , 10:12 am	Delivered	SAN FRANCISCO, CA 94104

Your item was delivered at 10:12 am on October 2, 2015 in SAN FRANCISCO, CA 94104. The item was signed for by M RODE.

October 2, 2015 , 9:21 am	Arrived at Post Office	SAN FRANCISCO, CA 94105
October 2, 2015 , 7:43 am	Departed USPS Facility	SAN FRANCISCO, CA 94125
October 1, 2015 , 11:51 pm	Arrived at USPS Facility	SAN FRANCISCO, CA 94125
October 1, 2015 , 10:14 am	Inbound Out of Customs	
October 1, 2015 , 2:57 am	Processed Through Sort Facility	ISC SAN FRANCISCO (USPS)
	Inbound Into Customs	
	Origin Post is Preparing Shipment	
September 30, 2015 , 9:23 am	Processed Through Sort Facility	TAIPEI INT AMF, TAIWAN
September 29, 2015 , 10:20 am	Acceptance	TAIWAN

Available Actions

Proof of Delivery ⓘ

Text Updates ⌵

Email Updates ⌵

Exhibit B

Petitioner refused to concede Petitioner's receipt of Registrant's ALISHAN goods.

Re: ALISHAN trademark

↑ ↓ ×



Mike Rodenbaugh

2015/10/20

收件者: LIU CHI

Chi,

Thank you for your time on the phone last week. As we discussed, to support your company's registration in the face of my client's petition for cancellation, you must provide evidence to prove that your company has used the mark on all of the goods listed in your company's registration. They are:

Allspice; Bagels; Bubble gum; Cakes; Candy; Cappuccino; Chewing gum; Chocolate; Cocoa; Coffee and coffee substitutes; Cookies; Dumplings; Espresso; Filo; Flour; Frozen yogurt; Herb tea; Iced tea; Tea; Tea bags; Tea substitutes; Tea-based beverages with fruit flavoring; Honey; Ice; Ice cream; Ketchup; Lo mein; Muffins; Noodles; Oatmeal; Oolong tea; Pasta; Pies; Pizza; Popcorn; Relish; Rice; Sait; Sandwiches; Sauces; Shakes; Spices; Sugar; Sushi; Tacos; Vanilla; Vinegar; Wafers; Waffles; Bread

This evidence must show use in connection with every good listed, as of the two dates that your company swore to the trademark office that it was in use -- Jan. 7, 2008; and Oct. 6, 2014. If you cannot or will not provide this evidence, then the entire registration may be cancelled. This is the basis for our petition for cancellation, which you have denied.

You mentioned that you had sent me some evidence but I have not received it. Can you please resend it? Meanwhile we will send you a formal request for this evidence tomorrow, as the discovery period officially opens in the cancellation action tomorrow. You then must provide all of the required evidence within 30 days, no later than November 20. Please let me know any questions.

Kind regards,

Mike

Mike Rodenbaugh
RODENBAUGH LAW
tel/fax: +1.415.738.8087
<http://rodenbaugh.com>

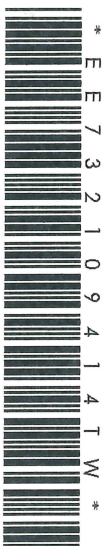
Exhibit C

Petitioner received Registrant's ALISHAN goods, including Registrant's ALSHAN Chocolate, Herbal tea, Tea, Rice, Oatmeal, Noodle, Coffee, Spice, Flour, Gum, Sugar, Salt, Cappuccino and Petitioner was notified of Registrant's website.



中華民國郵政
POSTAL ADMINISTRATION
REPUBLIC OF CHINA

國際快捷郵件
EXPRESS MAIL SERVICE



郵件編號 Serial No. EE732109414TW

Contract No. 合約編號

寄件人姓名地址 Sender's name & address

Align Co., Ltd
332 WenXing Road 8F
Kaohsiung, Taiwan ROC

郵遞區號: TAIWAN(804) 電話 Tel: 07-5566193
Postal Code

To: 收件人姓名地址 Addressee's name & address

Nike Rodenbaugh
548 Market Street Box 55819
San Francisco CA 94104

國名 Country: USA

郵遞區號: 94104
Postal Code

電話: 415-7388089
Tel.

Office of Origin 原寄郵局 K.S. 808	<input type="checkbox"/> 文件 Documents <input type="checkbox"/> 禮品 Gift <input checked="" type="checkbox"/> 貨樣 Sample <input type="checkbox"/> 商品 Merchandise <input type="checkbox"/> 其他 Others	Insurance 保險 保價 <input type="checkbox"/> Yes <input type="checkbox"/> No
Date mailed 交寄日期 (西曆) 2015年(Y) 7月(M) 29日(D)	Contents 內裝物品 ALISHAN chocolate, herbal tea, rice, port wine, sugar, salt, cornstarch, flour, glutin, sugar, salt, cornstarch	Amount Insured 保額 NT\$ 230
Postage 郵資 營業郵資券 230 元(NT\$) 自備郵資券 元(NT\$) 自備郵票 元(NT\$)	Value 價值 NT\$ 230 kg 0.3 Dimensions in CM 尺寸(公分) Length 寬 高 Height X X X 長x寬x高(公分) / 6000=體積重量(公斤)	郵局經辦員簽章 Date 日期 2015.7.29 郵局經辦員簽章 Drawn by

寄件人聯 SENDER'S COPY (第二聯)

Exhibit D

Petitioner's USPTO application No. 86818606

[TSDR](#)[ASSIGN Status](#)[TTAB Status](#)

(Use the "Back" button of the Internet Browser to return to TESS)



Word Mark	A
Goods and Services	IC 029. US 046. G & S: Dal; Dried lentils; Nut-based snack bars; Nut-based snack foods; Prepared nuts; Roasted nuts; Seasoned nuts IC 030. US 046. G & S: Breakfast cereals; Cereal bars; Cereal based snack food; Cereal-based snack foods; Flour; Multigrain-based snack foods; Processed wheat; Ready-to-eat cereals; Rice; Rice-based snack foods; Wheat flour IC 031. US 001 046. G & S: Fresh almonds; Fresh lentils; Fresh wheat; Raw nuts; Raw wheat
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	05.05.25 - Daffodils; Iris (flower); Other flowers 27.03.05 - Objects forming letters or numerals
Serial Number	86818606
Filing Date	November 12, 2015
Current Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) JFP Gulf General Trading LLC LIMITED LIABILITY COMPANY UNITED ARAB EMIR. Al Ras Building 2nd Floor-205, 1st Street, Alras Dubai, P.O. Box 12265 UNITED ARAB EMIR.
Attorney of Record	Mike Rodenbaugh
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of a stylized letter "a" with a floral pattern contained therein. The stippling is for shading purposes only.

Exhibit E

Copy of Petitioner's email dated May 9, 2016.

Re: Notice of Deposition

From: Mike Rodenbaugh <mike@rodenbaugh.com>
To: chi_liu <chi_liu@evorytech.com>
Cc: Marie Richmond <marie@rodenbaugh.com>, Chi Liu <liuchi23@hotmail.com>

Priority: Normal
Date: 05-09-2016 10:52 PM

Mr. Liu,

We are in receipt of your email and deposition notices. However, again you have served the documents improperly, by sending them to my client's attention, at my firm's mailing service address. This creates delay. As previously requested, please either agree to email service in this proceeding, or ensure that you post mail to me, Mike Rodenbaugh, rather than to my client, at the address you have been using in San Francisco (548 Market St., Box 55819, San Francisco, CA 94104).

Moreover, the deposition notices are improper, and we request you to withdraw them. First, Evory can not command my clients to come to San Francisco, since they are located in India. More importantly, you have no basis to take deposition testimony from my clients in this case. The sole issue in this case is whether Evory Technologies had used its mark in US commerce as of the date of the application, as to all of the goods listed in the application and registration. My client has no information on that issue, except what little you have provided us to date.

Please advise as to what, if any, topics you believe each deponent is necessary to provide testimony in this case, otherwise withdraw the notices. If you do not withdraw them by Monday, May 16, then we will move to quash the notices and for sanctions against Evory for serving them improperly and causing us to file an unnecessary motion.

We again request to have a discovery and settlement conference with you, in order to avoid issues like this and attempt to resolve this matter. Are you available for a phone call this week? We propose anytime on Thurs, May 12 or Friday morning, May 13, Pacific time.

Thanks,
Mike

Mike Rodenbaugh
RODENBAUGH LAW
tel/fax: +1.415.738.8087
<http://rodenbaugh.com>

On Wed, May 4, 2016 at 6:21 PM, chi_liu <chi_liu@evorytech.com> wrote:

Mr. Rodenbaugh,

With respect to the cancellation proceeding at the Trademark Trial and Appeal Board, please see the attached Notice of Deposition. We are seeking to depose Ankur Aggarwal, the marketing director of JFP GULF GENERAL TRADING LLC, on June 6, 2016 at 10:00 a.m., one major shareholder of JFP GULF GENERAL TRADING LLC on June 7, 2016 at 10:00 a.m. and the Chief Financial Officer of JFP GULF GENERAL TRADING LLC on June 8, 2016 at 10:00 a.m. The deposition was scheduled to take place in the following location:

US Legal Support
44 Montgomery Street, Suite 550
San Francisco CA 94104

Because we need to commence travel arrangements, please write to confirm your attendance and provide the name of the deponents no later than 8:00 a.m. Monday May 9, 2016.

In addition, we would highly appreciate it if you could write an email to notify us your receipt of this email.

Regards,

Chi

Evory Tecjnnologies, Inc.

Exhibit F

Copies of the May 4, 2016 Notice of Deposition and correspondence related thereto.

Notice of Deposition

From: chi_liu <chi_liu@evorytech.com>
To: Mike Rodenbaugh <mike@rodenbaugh.com>, Marie Richmond <marie@rodenbaugh.com>
Cc: liuchi23@hotmail.com

Priority: Normal
Date 05-04-2016 08:21 PM

Mr. Rodenbaugh,

With respect to the cancellation proceeding at the Trademark Trial and Appeal Board, please see the attached Notice of Deposition. We are seeking to depose Ankur Aggarwal, the marketing director of JFP GULF GENERAL TRADING LLC, on June 6, 2016 at 10:00 a.m., one major shareholder of JFP GULF GENERAL TRADING LLC on June 7, 2016 at 10:00 a.m. and the Chief Financial Officer of JFP GULF GENERAL TRADING LLC on June 8, 2016 at 10:00 a.m. The deposition was scheduled to take place in the following location:

US Legal Support
44 Montgomery Street, Suite 550
San Francisco CA 94104

Because we need to commence travel arrangements, please write to confirm your attendance and provide the name of the deponents no later than 8:00 a.m. Monday May 9, 2016.

In addition, we would highly appreciate it if you could write an email to notify us your receipt of this email.

Regards,

Chi

Evry Tecjologies, Inc.

Notice of Deposition03.pdf	Content-Type: application/pdf Size: 677.41 KB
Notice of Deposition01.pdf	Content-Type: application/pdf Size: 671.9 KB
Notice of Deposition02.pdf	Content-Type: application/pdf Size: 677.8 KB

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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JFP GULF GENERAL TRADING LLC,
Petitioner,

vs.

EVORY TECHNOLOGIES, INC.,
Registrant.

Mark: ALISHAN

Cancellation No.:92062012

**NOTICE TO TAKE THE DEPOSITION
UPON ORAL EXAMINATION OF ANKUR AGGARWAL**

To:

Ankur Aggarwal

JFP GULF GENERAL TRADING LLC

548 Market Street Box No 55819

San Francisco, CA 94104

Dear Mr. Aggarwal:

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P.26 and 30, the Registrant will take the deposition upon oral examination of Ankur Aggarwal at 44 Montgomery Street Suite 550, San Francisco, California on Monday June 6, 2016 at 10:00 a.m., before a notary public or other officer authorized to administer oaths.

The oral examination will continue from day to day until completed.

Dated: May 4, 2016

By: 

CHI LIU

1270 N MARINE CORP DR, STE 101-397

TAMUNING, GU 96913-4331

General Manager

Evory Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing was served by Post Office Mail, postage prepaid on May 4, 2016 and E-mail on the same day, addressed as follows:

JFP GULF GENERAL TRADING LLC
548 MARKET STREET BOX NO 55819
SAN FRANCISCO, CA 94104
mike@rodenbaugh.com

A handwritten signature in cursive script, appearing to read "Chi Liu", is written above a horizontal line.

CHI LIU

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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JFP GULF GENERAL TRADING LLC,
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Mark: ALISHAN

Cancellation No.: 92062012

**NOTICE TO TAKE THE DEPOSITION
UPON ORAL EXAMINATION OF ANKUR AGGARWAL**

To:

JFP GULF GENERAL TRADING LLC
548 Market Street Box No 55819
San Francisco, CA 94104

Dear Mr. Rodenbaugh:

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P.26 and 30, the Registrant will take the deposition upon oral examination of one major shareholder of JFP GULF GENERAL TRADING LLC at 44 Montgomery Street Suite 550, San Francisco, California, on Tuesday June 7, 2016 at 10:00 a.m., before a notary public or other officer authorized to administer oaths.

The oral examination will continue from day to day until completed.

Dated: May 4, 2016

By: 

CHI LIU

1270 N MARINE CORP DR, STE 101-397
TAMUNING, GU 96913-4331

General Manager

Evory Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing was served by Post Office Mail, postage prepaid on May 4, 2016 and E-mail on the same day, addressed as follows:

JFP GULF GENERAL TRADING LLC
548 MARKET STREET BOX NO 55819
SAN FRANCISCO, CA 94104
mike@rodenbaugh.com



CHI LIU

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EVORY TECHNOLOGIES, INC.,
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Mark: ALISHAN

Cancellation No.:92062012

**NOTICE TO TAKE THE DEPOSITION
UPON ORAL EXAMINATION OF ANKUR AGGARWAL**

To:

JFP GULF GENERAL TRADING LLC
548 Market Street Box No 55819
San Francisco, CA 94104

Dear Mr. Rodenbaugh:

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P.26 and 30, the Registrant will take the deposition upon oral examination of the Chief Financial Officer of JFP GULF GENERAL TRADING LLC at 44 Montgomery Street Suite 550, San Francisco, California, on Wednesday June 8, 2016 at 10:00 a.m., before a notary public or other officer authorized to administer oaths.

The oral examination will continue from day to day until completed.

Dated: May 4, 2016

By: 

CHI LIU

1270 N MARINE CORP DR, STE 101-397
TAMUNING, GU 96913-4331

General Manager
Evory Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing was served by Post Office Mail, postage prepaid on May 4, 2016 and E-mail on the same day, addressed as follows:

JFP GULF GENERAL TRADING LLC
548 MARKET STREET BOX NO 55819
SAN FRANCISCO, CA 94104
mike@rodenbaugh.com



CHI LIU

Exhibit G

Copies of Registrant's email to Petitioner dated May 15, 2016.

Re: Notice of Deposition

From: chi_liu <chi_liu@evorytech.com>
To: Mike Rodenbaugh <mike@rodenbaugh.com>, Marie Richmond <marie@rodenbaugh.com>
Cc: Chi Liu <liuchi23@hotmail.com>

Priority: Normal
Date 05-15-2016 09:22 PM

Mr. Rodenbaugh,

We forwarded by email a Notice of Deposition pursuant to Fed. R. Civ. P. 28 and 30 and Trademark Rule 2.120(b). By this deposition, we are seeking a representative of the Petitioner, JFP who has knowledge of the topics specified in Schedule A of the Notice of Deposition.

On May 4, we sent you a Notice to propose the deposition to take place in San Francisco because the petitioner's mailing address in the United States of America is located in San Francisco. However, you refused to take the deposition on the proposed date in San Francisco.

As discovery will close on July 1, 2016, please provide us with several possible dates and locations between May 20, 2016 and July 1, 2016. You should give us a list of several different dates and location on which you and your Petitioner are available, and we will try to schedule the deposition on a date and location that is convenient for Petitioner and us.

Regarding the attendants, at least three of them must include Chief Financial Officer, one of major shareholder, and Mr. Ankur Aggarwal. Please provide the name and title of Petitioners that will attend the deposition.

Please advise us a list of several possible dates, locations and attendants no later than May 20, 2016 as we are again seeking to make a good faith attempt to resolve this matter.

We are willing to collaborate with Petitioner and provide ALISHAN's samples upon Petitioner's request. If Petitioner would like to request additional Registrant's ALISHAN goods, please provide petitioner's *carrier account* number to cover the shipping charge.

This email is written in our continued good faith effort to conduct discovery and schedule and take depositions in this cancellation. We await your response

Regards,

Chi

Evory Technologies, Inc.

On May 9, 2016 at 10:52 PM Mike Rodenbaugh <mike@rodenbaugh.com> wrote:

Mr. Liu,

We are in receipt of your email and deposition notices. However, again you have served the documents improperly, by sending them to my client's attention, at my firm's mailing service address. This creates delay. As previously requested, please either agree to email service in this proceeding, or ensure that you post mail to me, Mike Rodenbaugh, rather than to my client, at the address you have been using in San Francisco (548 Market St., Box 55819, San Francisco, CA 94104).

Moreover, the deposition notices are improper, and we request you to withdraw them. First, Evory can not command my clients to come to San Francisco, since they are located in India. More importantly, you have no basis to take deposition testimony from my clients in this case. The sole issue in this case is whether Evory Technologies had used its mark in US commerce as of the date of the application, as to all of the goods listed in the application and registration. My client has no information on that issue, except what little you have provided us to date.

Please advise as to what, if any, topics you believe each deponent is necessary to provide testimony in this case, otherwise withdraw the notices. If you do not withdraw them by Monday, May 16, then we will move to quash the notices and for sanctions against Evory for serving them improperly and causing us to file an unnecessary motion.

We again request to have a discovery and settlement conference with you, in order to avoid issues like this and attempt to resolve this matter. Are you available for a phone call this week? We propose anytime on Thurs, May 12 or Friday morning, May 13, Pacific time.

Thanks,
Mike

Mike Rodenbaugh
RODENBAUGH LAW

tel/fax: +1.415.738.8087
<http://rodenbaugh.com>

On Wed, May 4, 2016 at 6:21 PM, chi_liu <chi_liu@evorytech.com> wrote:

Mr. Rodenbaugh,

With respect to the cancellation proceeding at the Trademark Trial and Appeal Board, please see the attached Notice of Deposition. We are seeking to depose Ankur Aggarwal, the marketing director of JFP GULF GENERAL TRADING LLC, on June 6, 2016 at 10:00 a.m., one major shareholder of JFP GULF GENERAL TRADING LLC on June 7, 2016 at 10:00 a.m. and the Chief Financial Officer of JFP GULF GENERAL TRADING LLC on June 8, 2016 at 10:00 a.m. The deposition was scheduled to take place in the following location:

US Legal Support
44 Montgomery Street, Suite 550
San Francisco CA 94104

Because we need to commence travel arrangements, please write to confirm your attendance and provide the name of the deponents no later than 8:00 a.m. Monday May 9, 2016.

In addition, we would highly appreciate it if you could write an email to notify us your receipt of this email.

Regards,

Chi

Evory Tecjнологies, Inc.

SCHEDULE A.pdf	Content-Type: application/pdf Size: 711.24 KB
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SCHEDULE A

Plaintiff, JFP Gulf General Trading LLC, ("JFP"), is requested to identify and make available for deposition pursuant to the foregoing Notice, an officer, director, managing agent or other employee who is knowledgeable and competent to testify concerning the matters listed below.

- i. The organization and corporate structure of JFP.
- ii. JFP's business operations including, (a) the manufacturing, purchasing, sales, advertising and sales promotion of all of the goods described for ALISHAN and/or ALISHAAN or any designation similar thereto; (b) the manufacturing, purchasing, sales, advertising and sales promotion of all of the goods described for ALISHAN and/or ALISHAAN or any designation similar thereto; (b) the selection, adoption and use of trademarks and service mark, (c) licensing of intellectual properties, (d) preparation and filing of applications for intellectual properties, and (e) awareness of intellectual properties not owned by or licensed to JFP.
- iii. The organization, management, location and maintenance of JFP's business records including, but not limited to, customer account records, sales receipts, purchase orders, profit and loss statements, account ledgers, bank statements, import and export records including those received from or filed with the United State Customs Service or any customs broker, and federal and state tax records.
- iv. JFP's sale, distribution, manufacture or importation of goods incorporating the designation ALISHAN, ALISHAAN, or any derivative thereof or any


designation similar thereto.

- v. The annual dollar and unit volume, and gross sales revenue of goods sold, distributed, manufactured or imported by or for JFP in connection with designation ALISHAN, ALISHAAN, or any derivative thereof or any designation similar thereto.
- vi. The annual profits realized by JFP from the sale, distribution, manufacture, or importation of goods identified by the designation ALISHAN, ALISHAAN, or any derivative thereof or any designation similar thereto.
- vii. The styles, model numbers, and/or any other means of identifying goods sold, distributed, manufactured or imported by or for JFP in connection with the designation ALISHAN, ALISHAAN, or any derivative thereof, or any designation similar thereto.
- viii. The quality of goods sold in connection with the designation ALISHAN, ALISHAAN, or any derivative thereof, or any designation similar thereto, manufactured, sold, distributed, or imported by or for JFP.
- ix. The identity of purchasers of the goods sold, distributed, manufactured or imported by JFP in connection with the designation ALISHAN, ALISHAAN or any derivative thereof, or any designation similar thereto.
- x. The channels of trade in which JFP's goods identified by the designation ALISHAN, ALISHAAN, or any derivative thereof, or any designation similar thereto, are sold or distributed.
- xi. Actual confusion, deception, and mistake, or the likelihood thereof concerning the affiliation, source or origin of any goods offered by JFP in connection with the designation ALISHAN, ALISHAAN, or any derivative

thereof, or any designation similar thereto, and any products or services manufactured, sold, distributed or offered by JFP.

- xii. Petitioner's Answer to Registrant's First Set of Document requests to Petitioner dated May 15, 2016; Petitioner's Answer to Registrant's First Set of Interrogatories to Petitioner dated May 15, 2016; Letter from Petitioner dated May 9, 2016.
- xiii. All knowledge of third parties who have used the trademark ALISHAAN.
- xiv. Invoices showing the sale of ALISHAN and/or ALISHAAN branded goods in commerce.
- xv. Such other matters as may be determined to be relevant to the subject matter of these proceedings or which may be reasonably calculated to lead to discovery of admissible evidence.

Dated: May 15, 2016

By: 
CHI LIU
1270 N MARINE CORP DR, STE 101-397
TAMUNING, GU 96913-4331
General Manager
Evory Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing was served by Post Office Mail, postage prepaid on May 15, 2016 and E-mail on the same day, addressed as follows:

JFP GULF GENERAL TRADING LLC
548 MARKET STREET BOX NO 55819
SAN FRANCISCO, CA 94104
mike@rodenbaugh.com



CHI LIU

Exhibit H

Copies of Registrant's email to Petitioner dated May 22, 2016.

Re: Notice of Deposition

From: chi_liu <chi_liu@evorytech.com>
To: Mike Rodenbaugh <mike@rodenbaugh.com>
Cc: Marie Richmond <marie@rodenbaugh.com>, Chi Liu <liuchi23@hotmail.com>
Priority: Normal
Date: 05-22-2016 08:01 AM

Hi Mike,

I called you at 415-7388087 at 5:00 pm Pacific Time on Friday May 20, 2016 and you answered the phone. Unfortunately, you did not provide any information regarding deposition.

Please provide us a list of several possible dates, locations and attendants as soon as possible, as we are seeking to make a good faith attempt to resolve this matter. Regarding the attendants, at least three of them must be Chief Financial Officer, one of major shareholder, and Mr. Ankur Aggarwal. Please provide the name and title of Petitioners that will attend the deposition. If we haven't heard from you by the end of May 25, 2016, I am going to file a motion to compel.

This email is written in our continued good faith effort to conduct discovery and schedule to take depositions in this cancellation. We await your response

Regards,

Chi

Evory Technologies, Inc.

On May 19, 2016 at 12:28 PM Mike Rodenbaugh <mike@rodenbaugh.com> wrote:

Hi Chi,

Yes I believe we have sent all documents to that address, which is the address of record with the TTAB. We have also asked whether you would instead accept service by email in this action, and we will do the same. That would save cost and time for both parties and should be more reliable, if indeed you are not getting our postal mail. Please advise.

You said you were traveling on business, so that is why I said I did not know where you are -- and because you were misstating what day it is at least in my time zone.

I am happy to accommodate a convenient time for both of us. How about 4 pm Pacific today (Thursday)?

Thanks,
Mike

Mike Rodenbaugh
RODENBAUGH LAW
tel/fax: +1.415.738.8087
<http://rodenbaugh.com>

On Thu, May 19, 2016 at 10:12 AM, chi_liu <chi_liu@evorytech.com> wrote:

Hi Mike,

If you ever sent me any document, you must know that my mailing address is as below:

1270 N MARINE CORP DR, STE 101-397
TAMUNING, GU 96913-4331 USA

As you mentioned in your E-mail dated on 5/19 that "I'm not sure where you are", you probably do not know my physical address. This is probably why I seldom received documents from you.

I am glad that you finally made a suggestion about a phone conference appointment at 10:00a.m. Pacific Time on this Friday. Before you proposed a time, please check the time zone using search engine. 10:00a.m. Pacific Time is 3:00 a.m. Guam Time, which is my bed time. I would strongly urge you to reconsider a reasonable schedule which is convenient for everyone.

I would like to restate my view as below:

I tried to call you at 415-738 8087 three times starting at 17:30 and ending at 18:30 Pacific Time on Wednesday May 18, 2016. And you confirmed that "I have received voicemail from other people today". I am going to call you again on Thursday May 19,

2016. Please make sure you or your assistants are available and your answer machine works. Thank you.

Best Regards,

Chi

On May 19, 2016 at 12:33 AM Mike Rodenbaugh <mike@rodenbaugh.com> wrote:

Hi Chi,

I'm not sure where you are, but at the moment it is Wed. evening Pacific, and I have received voicemail from other people today. How about we schedule to talk at 10 a.m. Friday, Pacific time?

Thanks,
Mike

Mike Rodenbaugh
RODENBAUGH LAW
tel/fax: +1.415.738.8087
<http://rodenbaugh.com>

On Wed, May 18, 2016 at 6:41 PM, chi_liu <chi_liu@evorytech.com> wrote:

Hi Mike,

I tried to contact with you at 415-7388087 on Thursday afternoon May 18, 2016 three times. Unfortunately, you did not answer the phone and your answer machine was not working.

I am going to contact with you tomorrow again, Friday May 19, 2016. Please make sure you or your assistants are in the office and your answer machine is working at that time.

Due to I am in business trip, I am not in my main office currently. You still can reach me at +886-978380370 on Friday morning May 19, 2016, Pacific Time.

Regards,

Chi

On May 18, 2016 at 2:06 PM Mike Rodenbaugh <mike@rodenbaugh.com> wrote:

We again request to have a discovery and settlement conference with you, in order to avoid issues like this and attempt to resolve this matter. Are you available for a phone call this week? We propose anytime on Thurs, May 12 or Friday morning, May 13, Pacific time.

Please advise. We wish to avoid wasteful and expensive motion practice as to Evory's inappropriate deposition notices and discovery requests. Note from this TTAB notice "a motion to compel must always include a showing that the parties have made a good faith attempt to resolve their discovery dispute prior to filing a motion to compel, see 37 CFR 2.120(e)." As suggested in the notice, we further intend to request a phone conference with the TTAB interlocutory attorney, who would decide whether Evory may take any depositions and which of Evory's other discovery requests require any response from my client.

Thanks,
Mike

Mike Rodenbaugh
RODENBAUGH LAW
tel/fax: +1.415.738.8087
<http://rodenbaugh.com>

On Sun, May 15, 2016 at 7:22 PM, chi_liu <chi_liu@evorytech.com> wrote:

Mr. Rodenbaugh,

We forwarded by email a Notice of Deposition pursuant to Fed. R. Civ. P. 28 and 30 and Trademark Rule 2.120(b). By this deposition, we are seeking a representative of the Petitioner, JFP who has knowledge of the topics specified in Schedule A of the Notice of Deposition.

On May 4, we sent you a Notice to propose the deposition to take place in San Francisco because the petitioner's mailing address in the United States of America is located in San Francisco. However, you refused to take the deposition on the proposed date in San Francisco.

As discovery will close on July 1, 2016, please provide us with several possible dates and locations between May 20,

2016 and July 1, 2016. You should give us a list of several different dates and location on which you and your Petitioner are available, and we will try to schedule the deposition on a date and location that is convenient for Petitioner and us.

Regarding the attendants, at least three of them must include Chief Financial Officer, one of major shareholder, and Mr. Ankur Aggarwal. Please provide the name and title of Petitioners that will attend the deposition.

Please advise us a list of several possible dates, locations and attendants no later than May 20, 2016 as we are again seeking to make a good faith attempt to resolve this matter.

We are willing to collaborate with Petitioner and provide ALISHAN's samples upon Petitioner's request. If Petitioner would like to request additional Registrant's ALISHAN goods, please provide petitioner's *carrier account* number to cover the shipping charge.

This email is written in our continued good faith effort to conduct discovery and schedule and take depositions in this cancellation. We await your response

Regards,

Chi

Evory Technologies, Inc.

On May 9, 2016 at 10:52 PM Mike Rodenbaugh <mike@rodenbaugh.com> wrote:

Mr. Liu,

We are in receipt of your email and deposition notices. However, again you have served the documents improperly, by sending them to my client's attention, at my firm's mailing service address. This creates delay. As previously requested, please either agree to email service in this proceeding, or ensure that you post mail to me, Mike Rodenbaugh, rather than to my client, at the address you have been using in San Francisco (548 Market St., Box 55819, San Francisco, CA 94104).

Moreover, the deposition notices are improper, and we request you to withdraw them. First, Evory can not command my clients to come to San Francisco, since they are located in India. More importantly, you have no basis to take deposition testimony from my clients in this case. The sole issue in this case is whether Evory Technologies had used its mark in US commerce as of the date of the application, as to all of the goods listed in the application and registration. My client has no information on that issue, except what little you have provided us to date.

Please advise as to what, if any, topics you believe each deponent is necessary to provide testimony in this case, otherwise withdraw the notices. If you do not withdraw them by Monday, May 16, then we will move to quash the notices and for sanctions against Evory for serving them improperly and causing us to file an unnecessary motion.

We again request to have a discovery and settlement conference with you, in order to avoid issues like this and attempt to resolve this matter. Are you available for a phone call this week? We propose anytime on Thurs, May 12 or Friday morning, May 13, Pacific time.

Thanks,
Mike

Mike Rodenbaugh
RODENBAUGH LAW
tel/fax: +1.415.738.8087
<http://rodenbaugh.com>

On Wed, May 4, 2016 at 6:21 PM, chi_liu <chi_liu@evorytech.com> wrote:

Mr. Rodenbaugh,

With respect to the cancellation proceeding at the Trademark Trial and Appeal Board, please see the attached Notice of Deposition. We are seeking to depose Ankur Aggarwal, the marketing director of JFP GULF GENERAL TRADING LLC, on June 6, 2016 at 10:00 a.m., one major shareholder of JFP GULF GENERAL TRADING LLC on June 7, 2016 at 10:00 a.m. and the Chief Financial Officer of JFP GULF GENERAL TRADING LLC on June 8, 2016 at 10:00 a.m. The deposition was scheduled to take place in the following location:

US Legal Support

44 Montgomery Street, Suite 550

San Francisco CA 94104

Because we need to commence travel arrangements, please write to confirm your attendance and provide the

name of the deponents no later than 8:00 a.m. Monday May 9, 2016.

In addition, we would highly appreciate it if you could write an email to notify us your receipt of this email.

Regards,

Chi

Evry Technologies, Inc.

Exhibit I

Copies of Registrant's website www.superteastore.com

ALISHAN®



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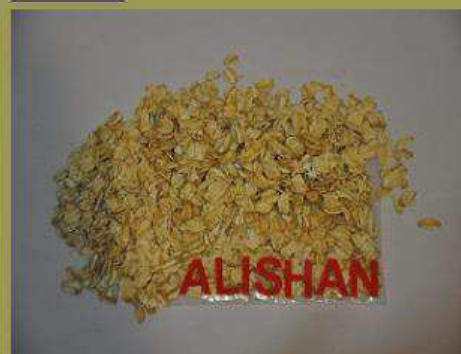
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Alishan Chocolate



Alishan Chocolate



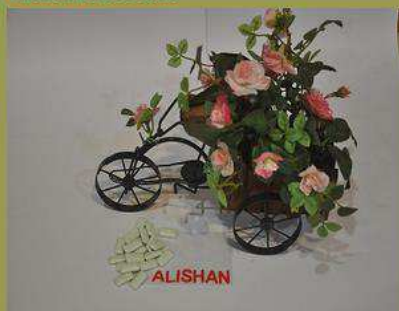
Alishan Chocolate



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Alishan Gum



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Alishan Flour



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Alishan Noodle



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ALISHAN®



Best Taste



Best Farm



Alishan Coffee

E-mail:

CS@superteastore.com

Address:

1270 N Marine Corps Dr Ste 101-397
Tamuning, Guam 96913-4331
USA

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